

**MINUTES**  
**LAKE COUNTY ZONING BOARD**  
**January 4, 2012**

The Lake County Zoning Board met on Wednesday, January 4, 2012 in the Commission Chambers on the second floor of the County Administration Building to consider petitions for Rezoning, Conditional Use Permits, a Mining Site Plan, and an amendment to the Land Development Regulations.

The recommendations of the Lake County Zoning Board will be transmitted to the Board of County Commissioners for their public hearing to be held on Tuesday, January 24, 2012 at 9 a.m., in the Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

**Members Present:**

Timothy Morris, Vice Chairman	District 1
Ted DeWitt	District 2
Lorenzo G. John Ameri	District 3
Rick Gonzalez	District 4

**Members Absent:**

Paul Bryan, Chairman	District 5
Kasey Kesselring	At-Large Representative
Jim Miller	School Board Representative

**Members Not Present:**

John Childers	Ex-Officio, Nonvoting Military Representative
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**Staff Present:**

Brian T. Sheahan, AICP, Planning Manager, Planning and Community Design Division  
Steve Greene, AICP, Chief Planner, Planning and Community Design Division  
Rick Hartenstein, AICP, Senior Planner, Planning and Community Design Division  
Jennifer Cotch, Environmental Specialist, Planning and Community Design Division  
Aziza Bryson, Public Hearing Associate, Planning and Community Design Division  
Ann Corson, Office Associate IV, Planning and Community Design Division  
Ross Pluta, Engineer III, Public Works  
Erin Hartigan, Assistant County Attorney  
Marjorie Boyd, Division Manager, Animal Services  
Dawn McDonald, Senior Planner, Lake County Schools

Vice Chairman Timothy Morris facilitated the meeting in the absence of Chairman Paul Bryan. Vice Chairman Morris called the meeting to order at 9:01 a.m. He led in the Pledge of Allegiance and L. G. John Ameri, Board member, gave the invocation. Vice Chairman Morris noted that a quorum was present. He confirmed the Proof of Publication for each case as shown on the monitor and that this meeting had been noticed pursuant to the Sunshine Statute.

Vice Chairman Morris explained the procedure for hearing cases on the consent and regular agendas. He stated that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Public Hearing Associate prior to proceeding to the next case. He added that this Board is a recommending board only, and the Board of County Commissioners will be hearing these cases later this month when a final determination will be made.

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## Updates

## Adjournment

**AGENDA UPDATES**

Brian T. Sheahan, Planning Division Manager, informed the Board that Tab 1 and Tab 2 would be moved to the Regular Agenda for discussion.

**MINUTES**

**MOTION** by Rick Gonzalez, **SECONDED** by L. G. John Ameri to **APPROVE** the December 7, 2011 Lake County Zoning Board Public Hearing minutes, as submitted.

**FOR:** Gonzalez, Ameri, DeWitt, Morris

**ABSENT:** Bryan, Kesselring, Miller

**AGAINST:** None

**NOT PRESENT:** Childers

**MOTION CARRIED:** 4-0

**REGULAR AGENDA:**

**CASE NO:** PH# 4-12-2 **TAB NO.** 1  
**OWNER:** Bethesda Lutheran Home Communities, Inc.  
**APPLICANT:** Keoppen, LLC  
**PROJECT NAME:** Keoppen LLC Property Rezoning

Mr. Sheahan stated that only a minor change was being requested and asked if the Board would like to hear the entire case presentation or proceed to only examine the change being requested. The Board chose to hear the change that was being requested. Steve Greene, Chief Planner, referred to page 3 of the ordinance and stated that Public Works indicated that condition D2 should be changed by replacing the word "may be" with "shall".

Selby Weeks, Klima Weeks Civil Engineering, speaking on behalf of the applicant, had a question in regards to the 40 ft. of additional right of way. Ross Pluta, Engineer III, stated that the existing right of way is approximately 25 ft. and that there is an additional 15 ft. He mentioned that this requirement was in the original ordinance and that staff is not asking for any more than before. Mr. Weeks stated that it sounded like there needed to be further discussion with staff on exactly how much additional right of way would be needed from their property.

Mr. Sheahan stated that the revised condition would read, "Right of way shall be required". He explained that staff is not recommending to put a number of footage in the condition because if there is a number than the applicant would be forced to have that amount of footage for the right of way. Vice Chairman Morris pointed out that the 40 ft. requirement was to be stricken from the condition.

**MOTION by Rick Gonzalez, SECONDED by Ted DeWitt to APPROVE PH# 4-12-2, Keoppen LLC Property Rezoning.**

**FOR:** Gonzalez, DeWitt, Morris, Ameri

**ABSENT:** Bryan, Kesselring, Miller

**AGAINST:** None

**NOT PRESENT:** Childers

**MOTION CARRIED: 4-0**

**CASE NO:** PH# 3-12-3 **TAB NO.** 2  
**OWNER:** Bryan K. and Jacqueline A. Summers  
**APPLICANT:** Valerie C. Fuchs, Esq.  
**PROJECT NAME:** Summers Rezoning

Jennifer Cotch, Environmental Specialist, presented the case and staff's recommendation for approval. She stated that the Applicant is requesting to rezone from Rural Residential (R-1) to Agriculture (A), which is the only zoning district that would be allowed in Rural Future Land



Use.

Valerie C. Fuchs, Esq., the applicant, stated that her clients are requesting a straight rezoning so that they can come into compliance with the newly adopted Comprehensive Plan.

Ron Coletti, concerned citizen, stated that he would like more information. He added that he would like to know the reason why the owners want to rezone, what kind of farm animals they might have and how many of each animal. He also had a question about if they would be allowed to fill any of the wetlands and what percentage, should they be allowed to do so. Lastly, he questioned if in the future they could rezone back to R-1 and if they would be allowed to build more houses or condos on the property.

Vice Chairman Morris pointed out that there was an agreement made between the County and the City on high, medium, low, and very low density in the Sunnyside Area in the Comprehensive Plan. In regard to the questions about animals, Ms. Cotch answered that due to the rezoning, staff would have no jurisdiction over animals and that the owners would be allowed to have as many as they wanted. She explained that any issues would need to be addressed by Code Enforcement as far as the general agricultural uses taking place on the property. In response to the question regarding houses or condos, Ms. Cotch mentioned that the Rural Future Land Use only allows one dwelling unit per five acres. In regards to wetlands being filled, Ms. Cotch stated that if you put farm animals in wetlands, they are allowed to go into those areas. She explained that the County has limited say on what goes on in those areas if it is used as agricultural property and is considered Ag exempt through the property appraiser. She further explained that it is the same with the Department of Environmental Protection (DEP) because agriculture is promoted in Florida and there are typically limited regulations when something is used for agricultural purposes in wetlands. In regards to structures on the property, Ms. Cotch stated that if it is farm equipment, they do not need to abide by the Zoning Regulations that would require a 50 ft. setback from wetlands; however, a house would, indicating that it would depend on the type of structure.

L. G. John Ameri, Board member, asked if any study had been done of the effects on neighboring properties and if the request was in compliance with major provisions. Ms. Cotch answered that no study had been done but that most of the neighboring properties should also be zoned Agriculture (A) since the Rural Future Land Use was adopted in the 2030 Comprehensive Plan. She also pointed out that the request is in compliance because the County would eventually get around to making the area compliant with the Future Land Use category anyway.

Ms. Fuchs reiterated that their main goal is to come into compliance with the Comprehensive Plan. In regards to the wetlands, she mentioned that the owners would have to abide by all state, federal, and local regulations, but that her clients had no intentions of filling the wetlands. Lastly she added that she had a petition signed by 6 of the surrounding neighbors who are in support of the rezoning request, should the Board want to take that into consideration.

**MOTION by Ted DeWitt, SECONDED by Rick Gonzalez to APPROVE PH# 3-12-3, Summers Rezoning.**

**FOR: DeWitt, Gonzalez, Morris, Ameri**

**ABSENT: Bryan, Kesselring, Miller**

**AGAINST: None**

**NOT PRESENT:** Childers

**MOTION CARRIED:** 4-0

**CASE NO:** CUP# 11/11/1-3

**TAB NO.** 3

**OWNER:** David and Gerry Shoup  
**APPLICANT:** Jimmy Crawford  
**PROJECT NAME:** Shoup Acres Truckyard

Steve Greene, Chief Planner, presented the case and staff's recommendation for approval of the request with conditions. He mentioned that a letter of concern was received after the Zoning Board books were mailed and that a memo with a copy of the letter had been provided to each member. Mr. Greene stated that the Applicant is requesting a Conditional Use Permit in the Agriculture (A) Zoning District to allow a truck yard.

Mr. Ameri asked Mr. Greene to expand on the impacts of the conditions in the ordinance. Mr. Greene referred to page 2, section B, of the ordinance and proceeded to read some of the conditions while further explaining them.

Rick Gonzalez, Board member, asked if the owners will be continuing with what they are already doing and if there was any proposed expansion. Mr. Greene answered yes that they will continue with what is already being done on the site and that to his knowledge there was no proposed expansion.

Jimmy Crawford, the applicant, requested a copy of the letter of concern that was provided to the Board. In regards to the continuation or expansion of the use, Mr. Crawford stated that it will be less than what it has been. He noted that since 1995, when the Shoups' purchased the property, there has always been a mixture of Ag and non Ag uses on the site. He also stated that there were non Ag related trucks and equipment on the site that will not be there in the future. He mentioned that on average there would be between 6 – 10 Ag related trucks on the site.

Mr. Ameri asked about vehicle size. Mr. Crawford replied that the trucks are 18 wheel trucks, in addition to some smaller trucks and equipment.

JoAnn Newmons, concerned citizen, had several questions. She asked about wetlands and how they would be impacted. She also asked about the size and load limit on the roads and how the roads would be affected. In addition, she wanted to know the hours of operation, what roads the trucks will use when they go in and out, what will be stored on the trucks, and what will be in the truck yard.

Mr. Greene replied that in regards to the repair shop, the oils, equipment, and materials used to make minor repairs will be stored in the existing building on the property and then disposed of when necessary, indicating that nothing will be left out in the open. Mr. Greene also referenced a condition in the ordinance which indicates that there will be no parking or building in the wetland area. In regards to hours of operation, Mr. Greene stated that hours will be from 7 a.m. to 7 p.m. He also mentioned that the road access would be Sikes St. and CR 48. In regards to the question about wetlands, Ms. Cotch added that there were 2 specific conditions in the ordinance pertaining



to wetlands. She referenced condition "B7", Wetland Markers and Signage, and condition "F", which refers to the minimum setback of 50-feet from the wetland line.

In reference to a concern Ms. Newmons mentioned about the lack of a septic tank on the property, Mr. Crawford explained that there will not be people in the shop all the time and that a port-o-potty is currently in use. He added that it is not a permanently manned shop and that all vehicles on the property will be operational.

**MOTION by Rick Gonzalez, SECONDED by L. G. John Ameri to APPROVE CUP# 11/11/1-3, Shoup Acres Truckyard.**

**FOR:** Gonzalez, Ameri, DeWitt, Morris

**ABSENT:** Bryan, Kesselring, Miller

**AGAINST:** None

**NOT PRESENT:** Childers

**MOTION CARRIED: 4-0**

**CASE NO:** PH# 2-12-2

**TAB NO. 4**

**OWNER:** Johns' Lake, LLC

**APPLICANT:** Johns' Lake LLC/James H. Fant

**PROJECT NAME:** Johns Lake Landing PUD Amendment

Rick Hartenstein, Senior Planner, presented the case and staff's recommendation for approval of the request with conditions. He stated that the Applicant is requesting to amend Ordinance # 2005-95 to add a 71 Unit Assisted Living Facility – ALF as a community facility use, remove the age-restricted development requirement, and reduce the number of dwelling units in the Planned Unit Development. During his presentation, Mr. Hartenstein mentioned that there is a current agreement for the provision of central water and sewer from the City of Clermont and that at some point this agreement would need to be revised prior to site plan or plat approval. He also mentioned some previously approved waivers in the 2005 ordinance that were unclear and he stated that the waivers were addressed appropriately in the current ordinance for clarity purposes.

Mr. Ameri asked if there were any consequences or affects in removing the age-restricted provision. Mr. Hartenstein answered that at the time of development of any residential aspects of the property, the applicant would apply to go through the concurrency review process. He stated that it would be determined by the School Board on whether or not they met school concurrency. He stated that if they were unable to meet school concurrency and there was no way to mitigate the impacts, then staff would not be able to approve the residential development and the applicant would have to revert back to filing the necessary paperwork to be an age-restricted community. Mr. Hartenstein indicated that if they were able to meet school concurrency, then they would be able to move forward as a residential development.

Vice Chairman Morris asked about the waivers. Mr. Hartenstein stated that the waivers will not have any bearing on the proposal. He added that staff wanted to be sure that the section

addressing the waivers was very clear in the current ordinance because it wasn't so clear in the previous ordinance.

Don Curotto, legal counsel speaking on behalf of the applicant, gave a history of the project. He mentioned that the Assisted Living Facility opportunity was presented approximately six months ago which led to the proposed request. He also stated that there has been some dialogue with the school board and indicated that when they are ready to go forward with that portion of the request, they will take the appropriate steps.

**MOTION by Rick Gonzalez, SECONDED by Ted DeWitt to APPROVE PH# 2-12-2, Johns Lake Landing PUD Amendment.**

**FOR: Gonzalez, DeWitt, Ameri, Morris**

**ABSENT: Bryan, Kesselring, Miller**

**AGAINST: None**

**NOT PRESENT: Childers**

**MOTION CARRIED: 4-0**

**CASE NO: MSP# 12/1/1-4**

**TAB NO. 5**

**OWNER: Dan Cordle**

**APPLICANT: Dan Cordle**

**PROJECT NAME: Professional Dirt Services**

Brian T. Sheahan, Planning Manager, presented the case and staff's recommendation for approval of the request with the conditions specified in the proposed ordinance on behalf of Melving Isaac, Planner. He stated that the Applicant is requesting a conditional use permit to include mining of sand and fill in addition to the construction and demolition (C&D) debris landfill authorized under a 2002 Consent Agreement. He stated that the Applicant is requesting a continuation of the current use and is also seeking approval to allow him to accept C&D debris from outside of his specific operation in order to more rapidly fill the pit that has been created from borrow operations that were subject to the 2002 Consent Agreement. Mr. Sheahan mentioned that the pit has eroded onto the property to the west due to heavy rainfalls and noted that there has been an encroachment onto the neighboring properties. He stated that the Applicant has indicated that the acceleration and acceptance of outside C&D debris would allow them to accelerate the reclamation of stabilization of that encroachment. Mr. Sheahan confirmed that the proposed activity is consistent with Comprehensive Plan, Policy I-1.4.4 and stated that essentially mining is strongly discouraged in the Wekiva Study Area and prohibited in the Wekiva River Protection Area. Although mining is discouraged in these areas, he pointed out that there is a stipulation that allows existing mines to continue and stated that this is an existing mine that has existed on the property since the 1960s. Mr. Sheahan also discussed some of the specific conditions of the proposed ordinance such as setbacks, the prohibition of Chinese Dry Wall, protection of the aquifer, reclamation standards, restoration of the encroachment, and financial responsibility.

Vice Chairman Morris asked if the applicant is required to take care of the encroachment. Mr.



Sheahan replied that there is some existing encroachment on the neighboring property and it has been stipulated that before the applicant is allowed to move on with additional phases they will need to correct and stabilize the encroachment. Mr. Sheahan stated that the Applicant has indicated that they themselves cannot generate sufficient materials to do the restoration due to the 20 ft. depth and substantial amount of materials needed; he added that this is one of the reasons for the request.

Ted DeWitt, a Board member, asked about the liner that restricts the intrusion into the aquifer from the pit. Mr. Sheahan answered that he would let the engineer answer that question but did state that there are certain stipulations that the Applicant would have to adhere to in order to comply with the Department of Environmental Protection's (DEP) lining permit and also state regulations that stipulate what kinds of protections need to be in place.

Mr. Gonzalez asked about the nature of the Consent Agreement and the reason for Code Enforcement action. Mr. Sheahan stated that they began the borrow pit and C&D landfill without County approvals.

Ted Wicks, P.E., Wicks Consulting Services, addressed some of the comments in the staff report. Mr. Wicks stated that when Lake County adopted Chapter 6 in the current Land Development Regulations (LDR), it was after the adoption of the Comprehensive Plan of 1993. He stated that the provisions within the Mining Ordinance were that existing operations that included dry borrow pits, sand mining, and anything that extracted soil, would be vested if it were operating prior to the adoption of the Comprehensive Plan. He informed the Board that the current proposed project is an old existing borrow pit. Referencing the encroachment, he stated that the encroachment was actually an old excavation beyond the property limits that occurred when the original borrow pit was created. He stated that Professional Dirt Services (PDS) acquired that pit and began and continued to extract materials from the un-mined areas in the 1980s; indicating that the encroachments existed at the time PDS acquired the property. Mr. Wicks also stated that due to some confusion in regards to vesting, it was not apparent that the pit in question got completely vested under PDS ownership which led to the original settlement agreement which was done in order to recognize the fact that this was a vested dirt removal operation and that it was vested in terms of its ability to dispose of C&D debris. Mr. Wicks explained that after the settlement agreement, PDS entered into an agreement with Lake County through a Consent Order that went through the Code Enforcement Board to further clarify what they were allowed to do within that vested operation. In reference to the current application, Mr. Wicks stated that the application does not extend or expand the project beyond the boundaries of the original Consent Order of 2002. He pointed out that within their proposal they are recognizing that the old borrow pit did encroach off-site and that PDS will use clean back fill to restore that area including a 50 ft buffer between the edge of the disposal area and the property adjacent to them. He explained that the reason they are here is not only to be able to increase the revenue for the facility but to also accelerate the closure of the pit. He also stated that the disposable C&D material has provided a good opportunity to reclaim old clay pits and put them back into a useable piece of property once they are finished with them. In reference to construction of the landfill, Mr. Wicks stated that there is no liner required for C&D landfills and discussed the sufficient clay layer below the bottom of the pit that would prevent any leakage.

Mr. Gonzalez asked if the C&D material being disposed of was waste concrete. Mr. Wicks replied that the material being accepted includes waste concrete, clean debris, and anything defined in the rule that constitutes as C&D debris.

Mr. DeWitt asked how the entrance road/haul road is maintained and if it is paved. He also asked



if the road receives dust treatment. Mr. Wicks answered yes and stated that it is a paved road that is on an easement owned by the Applicant. He stated that their primary access is on CR 439 and discussed the transportation analysis.

Mr. DeWitt asked if this is a dry pit and if there was any pumping involved. Mr. Wicks answered that it is a dry pit and there is no pumping involved.

Mr. Gonzalez asked how many extra trucks are anticipated to be used. Mr. Wicks replied that due to the economy, it would be hard to predict how many extra trucks would be used.

Vice Chairman Morris asked how long it would take to close the pit. Mr. Wicks answered it could take up to 25 years but stated that he hoped it would take half that time if they are allowed to bring in other C&D debris.

Mr. DeWitt asked how many yards of C&D debris is needed to fill the pit to maintain it. Mr. Wicks replied that he did not have the numbers in front of him, but estimated between 300,000 – 500,000 cubic yards to fill the old borrow pit and the new landfill.

Vanessa Oliver, Attorney representing Ken LaRoe and other landowners, spoke in opposition of the proposed application. Ms. Oliver stated that the application should be denied because it is inconsistent with the Comprehensive Plan and the Land Development Regulations. She stated that the Applicant is seeking an intensification to what is already a non-conforming use. Referencing the Consent Agreement, she indicated that the agreement specifically states that it is a legally non-conforming use and that all mining activities are prohibited until such time that all applicable permits are obtained. She stated that PDS was required to stop mining. Ms. Oliver explained that since they were required to stop mining, under the LDRs, the Applicant would have had to apply to extend the mining every 3 years, therefore he is no longer vested, indicating that this is a new mine, which she stated is prohibited. Ms. Oliver discussed the acceptance of drywall and compliance concerns, stating that the applicant has been cited twice in the past year. Ms. Oliver asked the Board to deny the request.

Mr. Gonzalez asked if Ms. Oliver could justify the statement, “they stopped mining,”. Ms. Oliver stated that pursuant to the 2002 Consent Agreement, PDS was required to stop mining. Mr. Gonzalez stated that the agreement also states, “...until the applicable permits have been obtained,” and pointed out that the permits were obtained in October of 2001.

Sharon Kaye, concerned citizen, spoke in opposition of the proposed application. She stated that she lives across the street from the site. She also stated that her driveway has been cracked due to the trucks turning around and entering the driveway of the site. She mentioned that the gate into the site is always open and that she has never seen anyone at the gate to inspect what is coming into the site. She stated that this is a residential area and commented on the loud noises she hears early in the morning due to the dump trucks and added that these trucks are damaging the roads.

Ken LaRoe, concerned citizen, spoke in opposition of the proposed application. He stated that he lives half a mile from the site. He expressed his concerns about Chinese Drywall and how if no one is watching to inspect what is coming in, how do they know what is being accepted. He discussed water flow in the nearby lakes, past violations of PDS, and the narrow, rough, hilly conditions of the roads these trucks will have to travel. Mr. LaRoe indicated that approval of this request would impair the quality of life for all surrounding neighbors.

Yana Gregory, concerned citizen, read a letter of opposition on behalf of Maryanne Haines who



could not be in attendance. Ms. Gregory stated that this letter was written during 2009 when the Applicant requested a similar application. She also mentioned that Maryanne Haines had gotten 720 petitions of people who were against the request in 2009. Ms. Gregory asked the Board to please deny the request.

Tim Trott, property owner to the south, stated that he does not want to see any expansion of the site and does not want more traffic on the roads. Mr. Trott expressed his objection to any future expansion.

In addressing some of the concerns, Mr. Sheahan stressed that Board approval is not the only approval that the operation has to receive. He pointed out that the Applicant must also comply with all federal and state requirements as well. In response to concerns about hours of operation, Mr. Sheahan stated that this ordinance would establish hours of operation from 7 a.m. to 5 p.m. on weekdays and limit them to 8 a.m. until noon on Saturdays, with no hours of operation on Sundays. In response to concerns about drywall, Mr. Sheahan mentioned that acceptance of drywall is specifically limited and mentioned that condition A.5c in the ordinance could be clarified to say that loads containing drywall shall not be accepted. In response to concerns about the vesting of the mine, Mr. Sheahan confirmed that the mine received all appropriate permits to continue in operation. In response to the checking of the loads, Mr. Sheahan stated that Code Enforcement is the mechanism to ensure compliance if any neighbors suspect that PDS is not adhering to the conditions in the ordinance.

Vice Chairman Morris asked if they are required to have someone on-site. Mr. Sheahan stated that by the ordinance they are not required to have someone on-site but stated that typically these types of operations do so they do not have people coming in and out without collecting fees.

Mr. Gonzalez asked if there were two violations within the past year. Mr. Sheahan stated that he did not know and that was something that staff is not allowed to consider. Erin Hartigan, Assistant County Attorney, reminded the Board that they may not consider any prior violations and should only consider the request for the conditional use permit.

Mr. Ameri asked if the owner/operator of the mine is inspecting the loads himself. Mr. Sheahan replied that there are requirements for monitoring; however there is not a specific condition in the ordinance to require that all loads be inspected as they go into the site. He added that a stipulation could be put into the ordinance that would require the Applicant to check the load.

Vice Chairman Morris asked for an explanation regarding the case between Lake County versus PDS and what they are required to do with the current case before the Board. Ms. Hartigan stated that this is a new case and if it is approved today the Consent Agreement goes away and the conditions of the ordinance will apply. She also confirmed that if the request is not approved they will still be allowed to continue to operate under the Consent Agreement.

Mr. DeWitt asked if there were any de-acceleration or acceleration lanes required to the entrance to the pit. Mr. Sheahan stated that the Applicant would have to come in for site plan approval and if those lanes were warranted through that approval process, the Applicant would have to install them.

Mr. Ameri asked if currently there is no control over what is dumped at the site. Mr. Sheahan stated that there is control over what is dumped at the site and that the existing condition specifically limits the receipt of materials to the materials collected by the Applicant himself.



Addressing some of the other concerns, Mr. Wicks stated that DEP routinely inspects these operations. He pointed out that the violations that were cited were really not violations but were compliance issues that were cited as a result of inspection reports. Mr. Wicks stated that corrective action has been taken on those issues. Mr. Wicks also informed the Board that PDS has trained and licensed spotters that operate within the landfill. He explained that when a load comes in, the licensed spotter looks at the material and makes sure that any unacceptable materials are removed for off-site disposal. He stated that the DEP permit requires them to have trained spotters available. Mr. Wicks stated that if the request is approved, the trained spotters will be permanently located on-site during hours of operation. In reference to Ms. Kaye's cracked driveway, he stated that they have never heard those complaints and mentioned that had there been any indication of the problem, it would have been taken care of by the owner Mr. Cordle. In response to some comments made by Mr. LaRoe, Mr. Wicks clarified that the 2009 application was withdrawn and did not go before the Board of County Commissioners. In response to traffic concerns, Mr. Wicks pointed out that there has never been an accident at the location that involved any of the PDS vehicles or any other vehicles at this site. In response to the open gates, Mr. Wicks stated that there are two gates, one at the CR 439 entrance which is typically open because of residents who access their property by that road and the other gate which is at the landfill entrance. Mr. Wicks stressed their continuing responsibility for long term care of the site.

Mr. Gonzalez asked where the inspection occurs when a load comes in. Mr. Wicks stated that when the load comes in, it goes to the working face where the load is dumped and the spotter goes through the debris to inspect the material. He explained that the spotter will pull out anything unacceptable and put it in a container that is designated for off-site disposal. After inspection, he stated that the load is compacted on the working face and covered with six inches of clean top-soil.

During Board discussion, Mr. DeWitt expressed that he has issues with the operation going from private to public because it is not as easy to control the public sector as well as it can be to control the private sector. He added that it would be hard to discipline and restrict multiple haulers.

**MOTION by Rick Gonzalez, SECONDED by L. G. John Ameri to APPROVE MSP #12/1/1-4, Professional Dirt Service.**

**FOR: Gonzalez, Ameri**  
**ABSENT: Bryan, Kesselring, Miller**  
**AGAINST: DeWitt, Morris**  
**NOT PRESENT: Childers**  
**MOTION FAILED: 2-2**

Ms. Hartigan stated that the motion failed and therefore no action had been taken. Vice Chairman Morris called for another motion.

**MOTION by Ted DeWitt, SECONDED by Tim Morris to DENY MSP #12/1/1-4, Professional Dirt Service.**

**FOR: DeWitt, Morris**

**ABSENT:** Bryan, Kesselring, Miller

**AGAINST:** Gonzalez, Ameri

**NOT PRESENT:** Childers

**MOTION FAILED:** 2-2

Ms. Hartigan stated that in this case, the Board had the option to send the case on to the Board of County Commissioners (BCC) without a recommendation or vote to continue the case to another scheduled Zoning Board meeting when more than four members are present.

Vice Chairman Morris asked the Board would they like to vote on a 30-day continuance or would they like to send the case to the BCC without a recommendation. The Board members agreed to send the case to the BCC without a recommendation.

Mr. Sheahan suggested that if the case is sent to the BCC without a recommendation, the motion should also include the clarification of some of the concerns raised that specifically dealt with the inspection of the load entering the site, considering it was a significant concern to the Board. Mr. Gonzalez added that the hours of operation should also be added, but Mr. Sheahan reminded him that the hours of operation were already included in the proposed ordinance. Mr. DeWitt mentioned his concerns about the traffic of multiple haulers and truckers maintaining the speed limit. Vice Chairman Morris asked Mr. Sheahan about the condition relating to drywall. Mr. Sheahan referred to the discussion of striking the allowance of drywall, specifying the prohibition to include loads of all drywall so that no drywall can be accepted or loads predominantly containing drywall would be prohibited without the extra stipulation of Chinese Drywall.

Ms. Hartigan asked Mr. Sheahan if he was asking the Board to voice general concerns. Mr. Sheahan stated that he wanted the concerns to be clear on the record so that the BCC is specifically aware of what the concerns were.

**MOTION by L. G. John Ameri, SECONDED by Ted DeWitt to send MSP #12/1/1-4, Professional Dirt Service, to the Board of County Commissioners without a recommendation.**

**FOR:** Ameri, DeWitt, Morris, Gonzalez

**ABSENT:** Bryan, Kesselring, Miller

**AGAINST:** None

**NOT PRESENT:** Childers

**MOTION CARRIED:** 4-0

Vice Chairman Morris called for a 5 minute break.



CASE NO: CUP# 11/9/1-5

TAB NO. 6

OWNER: Tammy Fisher Hobbs  
APPLICANT: Tammy Fisher Hobbs  
PROJECT NAME: Shabam's Pets

Jennifer Cotch, Environmental Specialist, presented the case and staff's recommendation for denial. She stated that the Applicant is requesting a Conditional Use Permit (CUP) in the Agriculture (A) Zoning District to allow a kennel. She stated that the applicant is requesting the CUP for the kennel in order to bring her business into compliance with the County's rules and regulations. Ms. Cotch mentioned that according to the last inspection by animal services, there were approximately 80 animals residing on the property. She also pointed out that there is an existing structure on the property to house the majority of the animals. She noted that this structure is approximately 30 ft. off of Cooter Pond Rd. She stated that according to the LDR, section 3.01.4, a 200 ft setback is required for the kennel structure. Ms. Cotch stated that in order for the structure to remain in the same location, the Applicant will also need to obtain a variance. After reading some of the conditions in the proposed ordinance, she stated that the proposed request is not consistent with sections 3 of the LDRs that require the 200 ft. setback for a kennel structure and section 3 that also requires suitable noise mitigation.

Tammy Fisher Hobbs, the Applicant, stated that she has done animal rescue all her life and she has never had any animals taken from her. She stated that none of her animals have ever been neglected, abused, or underfed. She indicated that her request will have no impacts on the road. She also stated that no one has complained about noise, there are no bad odors, and there have not been any neighbor complaints. She provided two letters from neighboring properties who are in support of her application. Ms. Fisher Hobbs also mentioned that the structure for her animals is a wood building which has windows, heat, and air conditioning. She stated that she has drastically cut down the number of animals that she has, stating that she currently has approximately 45 animals on the property.

Mr. Gonzalez asked if the site is being used for rescue dogs and not a general kennel. Ms. Fisher Hobbs answered that she does have dogs that she puts into shows.

Ms. Fisher Hobbs stated that near the kennel there are woods buffering the area and that she will do anything necessary in order to provide more of a buffer. Mr. Gonzalez asked if the request is approved, could she move the kennel to comply with the 200 ft. setback. Ms. Cotch stated that the way Ms. Fisher Hobbs' 5-acre property is situated, there would be no way possible to meet the 200 ft. setback on all four sides. She mentioned that she could come close on three sides and have a setback of approximately 130 ft. on the fourth side.

Vice Chairman Morris asked about noise mitigation. Ms. Cotch replied that a noise study would have to be done.

Mr. Sheahan pointed out that the existing structure was built as an Agricultural building without permits. He stated that the Applicant will have to demonstrate that the structure meets Florida building code and has noise attenuation built into the walls. He commented that since the structure is already in existence, it wouldn't be practical to move the actual building.

Mr. DeWitt, seeking clarification, stated that this CUP is based on the existing building at the existing location and that the Applicant would have to demonstrate certain things in regards to the construction of the structure in order to move forward.



Mr. Sheahan clarified that if the CUP is ultimately approved by the BCC, the Applicant will be required to apply for and receive a variance to the 200 ft. setback requirement. He mentioned that in applying for a variance, hardship, among other things must be demonstrated, proving that the property in question is uniquely situated differently than any other as part of the criteria.

Mr. Gonzalez stated that the reasons for denial based on the findings of fact, referencing the setbacks and the noise mitigation, were things that could be resolved.

Marjorie Boyd, Animal Services Division Manager, stated that Animal Services did receive a complaint in reference to a puppy mill in February of 2011. She stated that at their last visit in July, there were over 80 animals on the property. She stated that the living conditions were poor, pointing out strong urine and feces. She stated that there were some violations in which the property owner did try to correct. She stated that the animal conditions were poor to fair and that the property owner did try to correct a lot of those issues too. She mentioned that the main concern was the actual living condition that the animals were in during their first visit. Ms. Boyd noted that to date, Ms. Fisher Hobbs still has not turned in some of the County licenses for some of her animals.

Vice Chairman Morris provided some clarification of some of the conditions in the proposed ordinance for Ms. Fisher Hobbs to make sure that she was fully aware of what would be required of her and to answer any questions she might have.

Mr. Gonzalez commented that he would be inclined to pass the CUP with the stipulation that she meet all of the requirements in order to bring her into compliance.

**MOTION by Rick Gonzalez, SECONDED by L. G. John Ameri to APPROVE CUP #11/9/1-5, Shabam's Pets.**

**FOR: Gonzalez, Ameri, Morris**

**ABSENT: Bryan, Kesselring, Miller**

**AGAINST: DeWitt**

**NOT PRESENT: Childers**

**MOTION CARRIED: 3-1**

**CASE NO: PH# 21-11-1**

**TAB NO. 7**

**OWNER: Hearthstone, LLC**

**APPLICANT: Chuck Piper**

**PROJECT NAME: Avalon Groves PUD**

Steve Greene, Chief Planner, presented the case and staff's recommendation for approval of the request with conditions. He stated that the Applicant is requesting the Board to approve Planned Unit Development (PUD) zoning for approximately 986-acres of Agriculture (A) zoned property to accommodate a mixed use development of residential (1,659 dwellings) and commercial

(350,000 square feet) and institutional (175,000 square feet) uses.

Mr. Greene stated that the Applicant wanted staff to recognize a scrivener's error in the ordinance on page 5, section B.1c, line 1, stating the phrase "that fronts" will be replaced with the word "and" so that the sentence will read, "Parking shall not be located between the front of a commercial building and the extension of Sawgrass Bay Boulevard".

Dawn McDonald, Senior Planner, Lake County Schools, stated that they have spoken to the Applicant and Planning staff to make sure there are adequate public facilities and to look at the impacts and to what facilities. Ms. McDonald explained the process of what would take place during construction time in order to see if there was capacity available and what the Applicant's next steps would be. Ms. McDonald also discussed current capacity.

Eliza Harris, Planning Consultant, Canin Associates, speaking on behalf of the Applicant, stated that she was available to answer any questions and also noted that section F of the ordinance states that the developer is solely responsible for mitigating any school impacts.

**MOTION by Rick Gonzalez, SECONDED by Ted DeWitt to APPROVE PH #21-11-1, Avalon Groves PUD.**

**FOR: Gonzalez, DeWitt, Ameri, Morris**

**ABSENT: Bryan, Kesselring, Miller**

**AGAINST: None**

**NOT PRESENT: Childers**

**MOTION CARRIED: 4-0**

**AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS:**

**Ordinance 2011- XX      Proposed Amendment for LPA/ZB Name Change      TAB NO. 8**

Mr. Sheahan introduced the proposed Ordinance amendment by reading the title of the Ordinance. He summarized that the proposed amendment would change the name from Zoning Board to the Lake County Planning and Zoning Board, stating that it is simply a title change.

**MOTION by Rick Gonzalez, SECONDED by Ted DeWitt to APPROVE the proposed amendment for LPA/ZB Name Change.**

**FOR: Gonzalez, DeWitt, Ameri, Morris**

**ABSENT: Bryan, Kesselring, Miller**

**AGAINST: None**

**NOT PRESENT: Childers**

**MOTION CARRIED: 4-0**

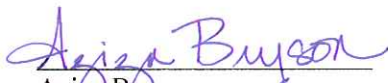
UPDATES

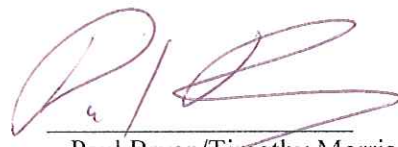
Mr. Sheahan informed the Board that February 1, 2012, would be Aziza Bryson's last Zoning Board meeting as Public Hearing Associate.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:54 a.m.

Respectfully submitted,

  
Aziza Bryson  
Public Hearing Associate

  
Paul Bryan/Timothy Morris  
Chairman/Vice Chairman